

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER:	2260.05
COMPLAINT INVESTIGATOR:	Brian Simkins
DATE OF COMPLAINT:	June 10, 2005
DATE OF REPORT:	July 1, 2005
REQUEST FOR RECONSIDERATION:	n/a
DATE OF CLOSURE:	September 14, 2005

**COMPLAINT ISSUES:**

Whether the East Porter County School Corporation and the Porter County Education Interlocal violated:

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written, specifically by failing to provide the required amount of physical therapy.

**FINDINGS OF FACT:**

1. The Student is in fourth grade and has been identified as having an orthopedic impairment and determined eligible for special education and related services.
2. The Student's IEPs dated January 20, 2004, and January 18, 2005, and all relevant amendments dated September 3, and 20, and November 1, 2004, state that physical therapy ("PT") is to be provided in direct 30 minute sessions as approved by the Student's physician in the general education environment. Accordingly, the Student is to receive physical therapy one time per week from January 20, to September 20, 2004; therapy two times per week from September 20, to November 1, 2004; one time per week from November 1, 2004, to January 18, 2005; and two times per week from January 21, to June 2, 2005.
3. The Student received, according to the physical therapist's logs and notes, PT one time per week from January 20, to September 20, 2004; PT two times per week from September 20, to November 1, 2004; PT one time per week from November 1, 2004, to January 18, 2005; and PT two times per week from January 21, to June 2, 2005. The Complainant does not dispute that the Student's IEP was implemented as written with regard to the required amount of PT to be provided; rather, the Complainant disputes the manner in which the PT was provided.
4. The Student missed two days of scheduled physical therapy sessions due to the therapist's absence. The Student missed six other sessions during the 2004-2005 school year due to statewide testing, shortened school days and special school convocations. There was at least one make-up PT session on May 23, 2005.

**CONCLUSION:**

Finding of Fact #3 indicates the Complainant's dispute does not concern whether the School provided PT as specified in the IEP. The Complainant disagrees with the manner in which the PT was provided, a matter not addressed in the Student's IEP. Such concerns are addressed through the case conference committee, with disputes resolved through mediation or a due

process hearing. Findings of Fact #3 and #4 indicate the Student received the required direct physical therapy. Therefore, a violation of 511 IAC 7-27-7(a) is not found.

**The Department of Education, Division of Exceptional Learners requires no corrective action based on the Findings of Fact and Conclusions listed above.**